

**REMARKS**

Claims 15-21 and 28-41 are presently pending in this application. Claims 15-21 and 28-41 have been amended in this response to clarify certain features of these claims to expedite prosecution of this application, and without prejudice to pursuing these claims in unamended or other forms in a continuation or other application.

In the December 7, 2007, Office Action, claims 15-21 and 28-41 were rejected. More specifically, the status of the application in light of this Office Action is as follows:

(A) Claims 15-17, 19, 28-31, 34-37, and 39-41 were rejected under 35 U.S.C. §103(a) over the combination of U.S. Patent No. 6,289,140 to Oliver ("Oliver") and U.S. Patent No. 6,111,604 to Hashimoto et al. ("Hashimoto");

(B) Claims 18, 32, and 38 were rejected under 35 U.S.C. §103(a) over the combination of Oliver, Hashimoto, and Maxium Technologies Internet Publication 2000 ("Maxium"); and

(C) Claims 20, 21, and 33 were rejected under 35 U.S.C. §103(a) over the combination of Oliver, Hashimoto, and U.S. Patent No. 5,764,779 to Harnanishi ("Harnanishi").

The undersigned attorney and his colleague, Cameron Pilling, wish to thank the Examiner for engaging in a telephone conference on February 6, 2008, to discuss the present Office Action, the Oliver and Hashimoto references, and the pending claims. During the course of the telephone conference, we discussed some of the distinctions between the pending claims and the teachings of Oliver and Hashimoto. The following remarks summarize and expand upon various points discussed with the Examiner during the February 6th telephone conference. Accordingly, the applicants request that this paper constitute the applicants' Interview Summary. If the Examiner notices any deficiencies in this regard, he is encouraged to contact the undersigned attorney to correct such deficiencies.

A. Response to the Section 103(a) Rejection of Claims 15-17, 19, 28-31, 34-37, and 39-41 (Oliver and Hashimoto)

Claims 15-17, 19, 28-31, 34-37, and 39-41 were rejected under 35 U.S.C. §103(a) over the combination of Oliver and Hashimoto. The undersigned attorney thanks the Examiner for providing a detailed explanation of his position regarding these references during the February 6th telephone conference. For at least the reasons explained below, however, Oliver and Hashimoto cannot support a Section 103 rejection of claims 15-17, 19, 28-31, 34-37, and 39-41.

Claim 15 is patentable over the combination of Oliver and Hashimoto because the applied references fail to disclose or suggest all the claimed features. For example, as discussed during the February 6th telephone conference and correctly noted in the Office Action at page 3, Oliver fails to disclose or suggest a multimedia data file producer that is configured to "produce a multimedia data file including image data derived from the first digital signal and sound data derived from the second digital signal, wherein the multimedia file is produced in response to the third digital signal," as recited in claim 15. In contrast to producing a multimedia file including combined image and sound data, Oliver teaches storing and accessing image and sound files separately from one another. For example, as discussed during the February 6th telephone conference, Oliver discloses that a "[c]ontroller 106 stores the voice annotation digital signal as a separate voice annotation file in static memory 116 and connects the image data file or document file with the voice annotation file." (Oliver, 6:14-17, emphasis added.) Moreover, although Oliver discloses various voice controlled scanning commands (see, e.g., Oliver 2:47-60), Oliver does not appear to disclose producing the multimedia file, including the combined image and sound data, in response to the voice command.

The Office Action relies on Hashimoto for "generat[ing] a multimedia data file for transfer of image and sound data out of an image pickup device." (Office Action, p. 3.) As discussed during the February 6th telephone conference, however, Hashimoto fails to cure the above-noted deficiencies of Oliver. For example, Hashimoto fails to disclose or suggest producing the multimedia file in response to the voice command. Moreover,

one skilled in the art would not modify Oliver according to Hashimoto. More specifically, one skilled in the art would not combine Oliver's separate sound and image files into a single multimedia file because such a modification contradicts the teaching of Oliver, as discussed above. Accordingly, for at least the foregoing reasons, the Section 103 rejection of claim 15 should be withdrawn.

Furthermore, and as discussed during the February 6th telephone conference, although Hashimoto discloses a combined image and sound file, Hashimoto's camera appears to capture the sound data simultaneously or contemporaneously with the image data. For example, Hashimoto discloses that "[a]fter starting, the user presses the shutter release button 124 and a single picture along with the associated audio is captured and stored in step 252." (Hashimoto 9:47-49; emphasis added.) This differs from the sound signal recited in claim 15, which recites that "at least a portion of the sound signal is received non-contemporaneously with the image signal." Accordingly, even if Hashimoto were properly combined with Oliver, which the applicants specifically do not concede, the combination of these references still fails to disclose or suggest (a) generating the multimedia data file in response to the voice command, and/or (b) receiving at least a portion of the sound signal non-contemporaneously with the image signal. Therefore, for at least this additional reason, the Section 103(a) rejection of claim 15 should be withdrawn.

Claims 16-21 depend from allowable base claim 15. Accordingly, the Section 103 rejection of claims 16-21 should be withdrawn for at least the reasons discussed above with reference to base claim 15, and for the additional features of these dependent claims.

Independent claims 28, 35, and 40 include several features generally similar to those of claim 15 (e.g., receiving at least a portion of the sound signal non-contemporaneously and/or separately from the image signal, and generating the multimedia data file in response to the voice command). Accordingly, the Section 103 rejection of claims 28, 35, and 40 should be withdrawn for at least the reasons

discussed above with reference to claim 15, and for the additional features of these independent claims.

Claims 29-34 depend from allowable base claim 28, claims 36-39 depend from allowable base claim 35, and claim 41 depends from allowable base claim 40. Accordingly, the Section 103(a) rejection of claims 29-34, 36-39, and 41 should be withdrawn for at least the reasons discussed above with reference to their respective base claims, and for the additional features of these dependent claims.

B. Response to the Section 103(a) Rejection of Claims 18, 32, and 38 (Oliver, Hashimoto, and Maxium)

Claims 18, 32, and 38 were rejected under 35 U.S.C. §103(a) over the combination of Oliver, Hashimoto, and Maxium. The Office Action relies on Maxium for disclosing that the image sensor is a contact image sensor. Maxium, however, fails to cure the above-noted deficiencies of Oliver and Hashimoto. For example, Maxium fails to disclose or suggest (a) receiving at least a portion of the sound signal separate from the image signal, and (b) generating the multimedia data file in response to the voice command. Accordingly, claims 18, 32, and 38 are allowable over the combination of Oliver, Hashimoto, and Maxium for at least the reason that these references, either alone or in combination, fail to teach or suggest the features of base claims 15, 28, and 35, and the additional features of corresponding dependent claims 18, 32, and 38. Therefore, the Section 103 rejection of dependent claims 18, 32, and 38 should be withdrawn.

C. Response to the Section 103(a) Rejection of Claims 20, 21, and 33 (Oliver, Hashimoto, and Harnanishi)

Claims 20, 21, and 33 were rejected under 35 U.S.C. §103(a) over the combination of Oliver, Hashimoto, and Harnanishi. The Office Action relies on Harnanishi for disclosing a microphone including a filter for filtering off a noise signal from the analog signal. Harnanishi, however, fails to cure the above-noted deficiencies of Oliver and Hashimoto. For example, Harnanishi fails to disclose or suggest (a) receiving at least a portion of the sound signal separate from the image signal, and (b) generating the multimedia data file in response to the voice command. Accordingly,


claims 18, 32, and 38 are allowable over the combination of Oliver, Hashimoto, and Hamanishi for at least the reason that these references, either alone or in combination, fail to teach or suggest the features of base claims 15 and 28, and the additional features of corresponding dependent claims 20, 21, and 33. Therefore, the Section 103 rejection of dependent claims 20, 21, and 33 should be withdrawn.

Conclusion

In view of the foregoing, the pending claims comply with the requirements of 35 U.S.C. § 112 and are patentable over the applied art. The applicants accordingly request reconsideration of the application and a mailing of a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite the prosecution of this application, the Examiner is encouraged to contact the undersigned attorney at (206) 359-3982.

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Respectfully submitted,

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